

REMARKS

Claims 1-5, 7-12, 14, 15, and 17-19 are pending in the application. Claims 1, 8 and 15 are independent. By the foregoing Amendment, Applicants have amended claims 1, 8, and 15 and cancelled claims 6, 13, and 16. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3, 6, 8-10, 13, and 15-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tan (US 6,043,481) in view of Assadi (US 6,166,369).

Claims 4 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tan (US 6,043,481) in view of Assadi (US 6,166,369) and Applicant's alleged admitted prior art.

Claims 5, 7, 12, 14, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tan (US 6,043,481) in view of Assadi (US 6,166,369) and Nakai (US 5,396,090).

When combining prior art elements to establish a prima facie case of obviousness, the MPEP requires a factual finding “...*that the prior art include **each element claimed**...*” M.P.E.P. § 2143 (A)(1). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

Amended claim 1 recites, in part, “...*a layer of oxide disposed between the light sensitive elements and the micro-lenses, wherein the layer of oxide includes raised ridge structures formed from the layer of oxide surrounding each of said micro-lenses, wherein each said raised ridge structure has a triangular cross-section and at least partially supports said micro-lens, wherein the micro-lens overlays a base portion of the raised ridge structure...*” Thus, amended claim 1 includes a layer of oxide that includes raised ridge structures having a triangular cross-sections **formed from the layer of oxide**. Applicants respectfully submit that Tan and Assadi, whether taken individually or in combination fail to disclose, teach, or suggest at least this expressly recited feature, as is more fully explained below.

The February 7, 2008 Office action cites to ridge elements 19 of Tan as allegedly disclosing Applicants' claimed raised ridge structure, but concedes, at page 6 of the Office action that *"the Tan reference fails to specifically teach [is] that the raised ridge structure has a triangular cross-section."* ***Since Tan fails to disclose a raised ridge structure that has a triangular cross-section, the reference necessarily fails to disclose, teach or suggest a layer of oxide that includes raised ridge structures having triangular cross-sections formed from the layer of oxide, as claimed by Applicants.***

The Office action then attempts to cure the deficiency of Tan by citing to the reflective ridge structure 12 of Assadi. Applicants respectfully disagree and assert that Assadi also fails to disclose, teach, or suggest a layer of oxide that includes raised ridge structures having triangular cross-sections formed from the layer of oxide. To be sure, attention is kindly directed to col. 2, lines 54-55 of Assadi which states *"...the reflective surfaces 12 may be formed by a hybrid sol-gel glass."* ***Since Assadi explicitly states that the reflective surfaces 12 may be formed from a hybrid sol-gel glass the reference necessarily fails to disclose a layer of oxide that includes raised ridge structures having a triangular cross-sections formed from the layer of oxide, as claimed by Applicants.***

Thus, the cited references fail to disclose each element of claim 1, as required under M.P.E.P. §2143. Independent claim 8 includes similar nonobvious elements as independent claim 1. Accordingly, Applicants respectfully request that the §103(a) rejections of claims 1 and 8 be withdrawn.

Amended claim 15 recites, in part, *"...isotropically dry etching the top planarizing layer of oxide to form a raised ridge structure from said top planarizing layer..."* Applicants respectfully submit that Tan and Assadi, whether taken individually or in combination further fail to disclose, teach, or suggest at least this expressly recited feature. The February 7, 2008 Office action states at page 5, *"Examiner analyzes the isopropanol alcohol [of Assadi] to be the etchant, because the isopropanol alcohol is used to remove the quartz or glass mask 26 layer and the unexposed parts of reflective surface (12)."* Regardless of whether isopropanol alcohol may be regarded as an etchant, Applicants respectfully submit that Assadi fails to disclose, teach or fairly suggest *isotropically dry etching a top planarizing layer of oxide*, as claimed by Applicants.

That is, the use of isopropanol alcohol in Assadi fails to disclose *dry* etching, much less dry etching a top planarizing layer of *oxide*.

Thus, the cited references fail to disclose each element of claim 15, as required under M.P.E.P. §2143. Accordingly, Applicants respectfully request that the §103(a) rejections of claim 15 be withdrawn.

The remaining dependent claims are nonobvious over the cited references for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 103 rejections of the dependent claims also be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,
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Date: November 23, 2010

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